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EXAMINER

JOO, JOSHUA

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/891,474	Applicant(s) MCINTYRE ET AL.	
	Examiner Joshua Joo	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment filed 5/23/2006

1. Claims 1-15 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 4, 9, and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo et al, US Patent #6,275,829 (Angiulo hereinafter), in view of Watanabe et al, US Patent #6,578,072 (Watanabe hereinafter).

4. As per claim 1, Angiulo teaches substantially the invention as claimed including a system for managing digital images. Angiulo's teachings comprising:

a device for creating an electronic icon (Col 7, lines 28-39. Create thumbnail.) and associating icon with information allowing access with respect to a particular digital media file having said icon associated therewith over a communication network by a third party (Col 11, lines 36-49. Associate link to thumbnail for accessing original image by users.).

5. Angiulo teaches substantial features of the claimed invention including thumbnails associated to original images. However, Angiulo does not explicitly teach that the icon contains information allowing access and information unique to a particular user.

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6. Watanabe teaches of thumbnails containing information unique to users (Col 7, lines 60-65; Col 8, lines 9-19) and information for allowing access to be included with the icon (Abstract; claim 1, Col 8, lines 8-19, 44-57; Col 9, lines 9-19, 34-42).

7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo and Watanabe because both teachings deal with accessing images through thumbnails. Furthermore, the teachings of Watanabe to have icons containing information unique to users and information for allowing access would improve the system of Angiulo by distinguishing each thumbnail, thus allowing selective viewing of pictures by users as taught by Watanabe.

8. As per claim 11, Angiulo teaches substantially the invention as claimed including the method for managing digital images by a service provider on a computer of a user over a communication network. Angiulo teachings comprising:

creating an electronic icon (Col 7, lines 28-39. Create thumbnail.) and associating information for allowing access by a third party to a particular digital media file stored on said computer (Col 11, lines 36-49. Associate link to thumbnail for accessing original image for view by users.);

said service provider accessing said computer over said communication and locating digital media files having said icon associated therewith and allowing accessing to said digital media files by said third party (Col 9, lines 19-22. Original image stored on computer. Col 11, lines 46-49. Selecting thumbnail results in displaying original image.).

9. Angiulo teaches substantial features of the claimed invention including associating thumbnails with original images. However, Angiulo does not explicitly teach that the electronic

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icon contains information for allowing controlled access by a designated party or information unique to said user.

10. Watanabe teaches a system of managing images, in which thumbnails contain information unique to users (Col 7, lines 60-65; Col 8, lines 9-19); and information for allowing controlled access by a designated party (Abstract; claim 1, Col 8, lines 8-19, 44-57; Col 9, lines 34-42)

11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo and Watanabe because both teachings deal with accessing images through thumbnails. Furthermore, the teachings of Watanabe to have icons containing information unique to users and information for allowing access would improve the system of Angiulo by distinguishing each thumbnail, thus allowing selective viewing of pictures by users as taught by Watanabe, and by providing a specific method for associating the thumbnails with the original images.

12. As per claim 2, Angiulo teaches the system according to claim 1 wherein said device for creating said electronic icon comprises a user computer (Col 7, lines 45-57; Col 9, lines 10-26. User computer.). and said digital media file is stored in a memory device in said computer (Col 7, lines 30-32; Col 9, lines 20-22. Original image on computer.).

13. As per claim 4, Angiulo teaches the system according to claim 1 further comprising a communication device for transferring said digital media file from said user computer over said communication network (Col 9, lines 20-22. Image stored on computer. Col 11, lines 46-49. Display original image.).

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14. As per claim 9, Angiulo teaches the system according to claim 2 wherein a service provider having access to said digital media file so as to obtain said icon and allow access in accordance with said information (Col 9, lines 5-10, 20-23. Thumbnail is associated with original image. Server has access to original image.).

15. As per claim 12, Angiulo teaches the method according to claim 11 wherein said information comprises instruction with respect to said digital image files (Col 11, lines 36-38. Link attribute for accessing the original image.).

16. As per claim 13, Angiulo teaches the method according to claim 12 wherein said instructions comprises forwarding said digital media file to said designated third party (Col 9, lines 5-23. Original image is displayed to a user.).

17. As per claim 14, Angiulo teaches the method according to claim 13, wherein said instructions comprises forwarding the electronic address of said digital media file to said designated third party such that said designated third party may directly access said digital media file (Col 11, lines 36-38. Link attribute for accessing the original image.).

18. Claims 3, 5-6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo and Watanabe, in view of Tomat et al, US Patent #6,784,925 (Tomat hereinafter).

19. As per claim 3, Angiulo does not teach the system according to claim 1 wherein an electronic camera is used to create said electronic icon and automatically associates said electronic icon with digital image file captured by said electronic camera.

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20. Tomat teaches of an electronic camera used to create thumbnails, e.g. icons, (Col 6, lines 9-19) and associates thumbnails with the full image files (Col 8, lines 1-12).

21. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo, Watanabe, and Tomat because the teachings of Tomat to use a camera to create thumbnails and associate the thumbnails with the full images would improve the efficiency of the system of Angiulo and Watanabe by allowing for the previewing images of the full-resolution image and providing another method of generating thumbnails.

22. As per claim 5, Angiulo teaches of providing instructions for further processing of said digital image (Col 11, lines 36-38. Link attribute for accessing the original image.). However, Angiulo does not teach that the instructions are specifically included with the electronic icon. Angiulo also does not teach the system, wherein said electronic camera has a communication device for transferring said digital media file to a service provider.

23. Watanabe teaches the concept of including information in a thumbnail (Col 7, lines 60-67; Col 9, lines 9-19).

24. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo and Watanabe because the teachings of Watanabe to include information in the thumbnail would improve the system of Angiulo by providing direct association and identification of thumbnail and the original image.

25. Tomat teaches of transmitting camera images to a service provider (Col 13, line 66 – Col 14, line 6).

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26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo, Watanabe, Tomat because the teachings of Tomat to transmitting camera files to a service provider would enhance the system of Angiulo and Watanabe by allowing for the sharing of pictures taken from a camera.

27. As per claim 6, Angiulo does not teach the system according to claim 5 wherein said provider provides confirmation of receipt of said digital media file to said electronic camera.

28. Tomat teaches of providing a file upload status dialog, which indicates the transmission of files (Col 14, lines 18-28).

29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo, Watanabe, and Tomat because the teachings of Tomat to provide a confirmation of receipt of the files would improve the user friendliness of the system of Angiulo and Watanabe by providing an indication of transmission of files so that the user does not have to resend files.

30. As per claim 8, Angiulo, Watanabe, and Tomat taught the system as according to claim 5. Angiulo further teaches wherein said instructions includes the automatically forwarding of said digital image file to a third party (Col 11, lines 36-49. Identify location of original image and display image.).

31. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo, Watanabe, and Tomat, in view of Motoyama, US Publication #2001/0054063 (Motoyama hereinafter).

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32. As per claim 7, Angiulo does not teach the system according to claim 6 wherein said confirmation further includes confirmation of said instructions.

33. Motoyama teaches the concept of acknowledging the receipt of instruction data from an user (Claim 22).

34. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo, Watanabe, Tomat, and Motoyama because the teachings of Motoyama to acknowledge receiving instructions would improve the system of Angiulo, Watanabe, and Tomat by providing an indication that data was received properly, which would allow the user to perform subsequent actions.

35. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo, Watanabe, and Tomat, in view of Uchiyama, US Patent #6,731,341 (Uchiyama hereinafter).

36. As per claim 10, Angiulo does not teach the system according to claim 5 wherein said communication device is a wireless phone.

37. Uchiyama teaches that an electronic camera may be attached to a cellular phone (Col 12, lines 39-43).

38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo, Watanabe, and Tomat because the teachings of Uchiyama to have camera attached to a cellular phone would improve the system of Angiulo, Watanabe, and Tomat by allowing images to be transferred and uploaded to an apparatus from various locations without requiring physical connection to a terminal.

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39. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angiulo and Watanabe, in view of "Official Notice".

40. As per claim 15, Angiulo teaches that the digital media is a full sized original image.

41. Angiulo does not specifically teach that the digital media file is a low resolution copy of a higher resolution media file. However, "Official Notice" is taken by the Examiner that the concept of decreasing the resolution of a media file is well known in the art. It would have been obvious to one of ordinary skill in the art to decrease the full sized original image into a smaller resolution because doing so would provide a file of smaller size for storing, and for downloading to users.

Response to Arguments

42. Applicant's arguments filed 5/23/2006 have been fully considered but they are not persuasive. Applicant argued that:

43. (1) Angiulo and Watanabe do not teach a device for creating an electronic icon containing information unique to a particular user including information allowing access with respect to a particular digital media file having said icon associated therewith over a communication network by a third party.

44. In response, Angiulo teaches:

- i) Column 4, lines 1-2, "A site at which documents are made available to network users through a web server is called a Web site."
- ii) Column 7, lines 28-34, "The present invention enables a user to automatically **produce a thumbnail (sized) image in a new or existing Web page to represent an original**

image selected in the existing Web page or from a directory in which the original image is stored."

- iii) Column 11, lines 36-41, **"a link attribute is automatically added to (associated with) the thumbnail image. Whenever the user selects the thumbnail image in the Web page, the selection will cause the web browser to activate the link attribute and replace the display of the Web page and the thumbnail image with original image 10.**

From quoted sections (i) – (ii), Angiulo teaches of creating a thumbnail, i.e. electronic icon, for allowing access with respect to an image, i.e. particular digital media file. The thumbnail is available on a web page for access by users. Therefore, the thumbnail, i.e. icon, is associated over a communication by a third party. A link attribute allows access to the original image, which is therefore considered as the "information allowing access" of Applicant's claim. The link attribute is added (associated) with the thumbnail. However, Angiulo does not explicitly teach the thumbnail containing the link attribute nor information unique to a particular user.

45. Watanabe teaches:

- iv) Column 7, lines 63-67, **"If an image ID comprising the register group name and a serial number is attached to each of the thumbnail images, an album name 28 and an image ID 29 of an image belonging to the network album is stored in a correspondence table 27,"**
- v) Column 8, lines 15-19, **"the file header of the thumbnail image 25 registered by the user and displays the thumbnail image when the album name specified by the user is included in the header".**

From quoted sections (iv) – (v), Watanabe teaches of attaching an image ID to the thumbnail and including the album name in the header of the thumbnail image. Therefore, Watanabe teaches the concept of thumbnails containing information.

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- vi) Column 8, lines 46-47, "only one user ID is assigned to each user"
- vii) Column 9, lines 10-15, "the WWW application server 15 **searches the low resolution image database 16 for the thumbnail images corresponding to the user ID** input on the initial screen and reads the images therefrom. The search can be realized by insertion of **the user ID in the header of the image files** upon image registration."

From quoted sections (vi) and (vii), Watanabe teaches of storing user ID in the header of thumbnail images, wherein only one user ID is assigned. Therefore, Watanabe further teaches of thumbnails containing information, and Watanabe clearly teaches of icons, i.e. thumbnails, containing information unique, i.e. user ID, to a particular user. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Angiulo and Watanabe because the teachings of Watanabe for thumbnails to contain information and information unique to the particular user would improve the teachings of Angiulo by providing information to distinguish thumbnails for each user (Col 9, lines 35-42) and providing an alternative method of linking the thumbnail and the original image.

Conclusion

46. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

47. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

48. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo whose telephone number is 571 272-3966. The examiner can normally be reached on Monday to Friday 7 to 4.

49. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on 571 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

50. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 12, 2006
JJ

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